

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

A recent en banc decision from the Ninth Circuit addressed important issues relating to federal review of parole decisions in California. *See Hayward v. Marshall*, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc). The Court requests that the parties submit supplemental briefs (not to exceed 12 pages in length) explaining their views on how the *Hayward* en banc decision applies to this parole denial habeas case. The Court sets the following schedule:

1. Within 10 days of this order, Respondent shall send to Petitioner a copy of the *Hayward* decision.
  2. Within 30 days of this order, Respondent shall file with the court and serve on Petitioner a supplemental brief on the impact of *Hayward* on this action.
  3. Within 15 days thereafter, Petitioner may file with the court and serve on Respondent a supplemental brief on the impact of *Hayward* on this action.

IT IS SO ORDERED.

DATED: May 11, 2010

*Jeffrey S White*  
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**JEFFREY S. WHITE**  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FRANK MCCORMICK,

Case Number: CV07-04246 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

BEN CURRY et al.

**Defendant.**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 11, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Frank McCormick  
C78307  
P.O. Box 689  
Soledad, CA 93960-0689

Dated: May 11, 2010

Jennifer Ottolini

Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk